

ORIGINAL

## United States District Court

CENTRAL

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

V.

EVELIN MARTINEZ

CRIMINAL COMPLAINT

CASE NUMBER:

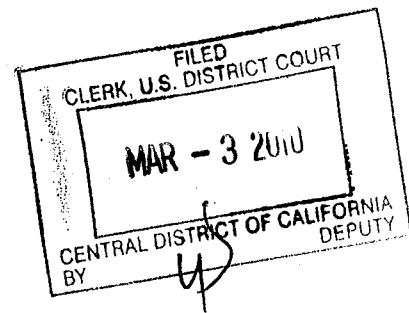
10-0431M

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about December 28, 2010, in Los Angeles County, within the Central District of California, defendant EVELIN MARTINEZ ("defendant") did, willfully, knowingly, and unlawfully travel in interstate commerce from the State of California to Mexico with the intent to avoid prosecution for the crime of murder, in violation of California Penal Code Section 187, a felony in the State of California, for which defendant was charged in arrest warrant number COMTA11026201, issued by the Superior Court of Los Angeles, County of Los Angeles, on January 8, 2010, in violation of Title 18, United States Code, Section 1073.

Moreover, defendant continues to violate Title 18, United States Code, Section 1073 by refusing to return to the State of California to face prosecution for the crime of murder.

I further state that I am a Special Agent of the Federal Bureau of Investigation and that this complaint is based on the following facts:

(SEE ATTACHMENT)



Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

[Signature]  
Signature of Complainant

Scott F. Garriola  
Special Agent - FBI

MM  
AUSA

Sworn to before me and subscribed in my presence,

3.3.2010

at

Los Angeles, California  
City and State

Date

[Signature]  
Signature of Judicial Officer

Hon. Andrew J. Wistrich, U.S. Magistrate Judge  
Name & Title of Judicial Officer

AFFIDAVIT

I, SCOTT F. GARRIOLA, being duly sworn, hereby depose and say:

1. I am a Special Agent of the Federal Bureau of Investigation, United States Department of Justice ("FBI"). I have been so employed for more than twenty (21) years. I have been a member of the joint FBI/Los Angeles Police Department ("LAPD") Fugitive Task Force for thirteen (13) years. I have extensive experience in conducting fugitive investigations. In that capacity, I have conducted thousands of fugitive investigations and executed hundreds of fugitive arrests.

2. This affidavit is made in support of a criminal complaint and a probable cause arrest warrant for EVELIN MARTINEZ ("MARTINEZ") for Unlawful Flight to Avoid Prosecution in violation of Title 18, United States Code, Section 1073. The information contained herein is based on my participation in this investigation, as well as my conversations with other law enforcement officers and my review of various law enforcement documents.

3. In January 2010, I was advised by Detective Traci Gonzalez, Los Angeles Sheriff's Department, ("LASD"), Homicide Unit, of the following facts:

a. In the evening of December 28, 2009, MARTINEZ drove her boyfriend, Steven Aguilar, to a rival gang area. MARTINEZ stopped her van and Aguilar exited the vehicle and approached two individuals standing outside a home. Aguilar shouted a gang term and fired multiple shots at the two, killing Sergio Lopez. Investigation by Detective Gonzalez and other LASD officers identified MARTINEZ and Aguilar as the ones responsible

for the murder.

b. On or about January 8, 2010, warrant number COMTA11026201 was issued by the Superior Court of Los Angeles, County of Los Angeles, charging MARTINEZ with one count of murder, a felony in violation of Section 187 of the California Penal Code.

c. In the weeks after MARTINEZ was charged with the murder, Detective Gonzalez and other deputies of the LASD searched for MARTINEZ at all of her known addresses in the Los Angeles area, but were unable to find MARTINEZ at those addresses.

4. On February 19, 2010, I interviewed Soccoro Perez, the mother of Evelin Martinez, at her home. She advised me that shortly after the murder MARTINEZ and her boyfriend, Steven Aguilar, left the United States for Hermosillo, Mexico in order to avoid apprehension. She further advised that she has spoken to her daughter several times since they left for Mexico and she advised me that her daughter told her that the pair was staying with an uncle of Aguilar's in Mexico.

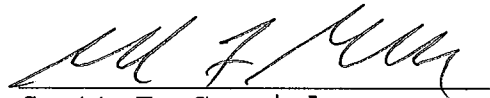
5. On February 24, 2010, I obtained telephone records from the telephone that Soccoro Perez used to speak with her daughter. I determined that several telephone calls from Mexico were made to this telephone corresponding to the times that Perez told me she spoke with MARTINEZ.

6. In February 2010, Detective Gonzalez advised me that the Los Angeles County District Attorney's Office ("DA's Office") has agreed to extradite MARTINEZ, and along with the LASD, has asked the FBI for assistance in apprehending and returning MARTINEZ to the Los Angeles area.

7. On February 22, 2010, I received a letter from the DA's Office

officially requesting the FBI's assistance in apprehending and returning MARTINEZ to the Los Angeles area.

7. Based on the information set forth above and my extensive experience in conducting fugitive investigations, I believe that there is probable cause to believe that MARTINEZ fled the State of California with the intent to avoid prosecution for the crime of murder and that there is probable cause for the issuance of an arrest warrant for EVELIN MARTINEZ for violation of Title 18, United States Code, Section 1073, Unlawful Flight to Avoid Prosecution.

  
\_\_\_\_\_  
Scott F. Garriola  
Special Agent-FBI

Subscribed and sworn to before me  
on this 3 day of March, 2010

  
\_\_\_\_\_  
THE HONORABLE ANDREW J. WISTRICH  
UNITED STATES MAGISTRATE JUDGE